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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,982	08/28/2006	Ikuo Mimura	03933.000600.	2590

5514 7590 01/15/2010  
FITZPATRICK CELLA HARPER & SCINTO  
1290 Avenue of the Americas  
NEW YORK, NY 10104-3800

EXAMINER
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HIGGINS, GERARD T

ART UNIT	PAPER NUMBER
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1794

MAIL DATE	DELIVERY MODE
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01/15/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**ADVISORY ACTION**

***Response to Amendment***

1. Applicant's amendment filed 01/07/2010 will be entered because it simplifies issues for a possible appeal.

The responses filed 01/07/2010 and 06/26/2009 have overcome the objection to the drawings and the specification noted at section 2 of the Office action mailed 10/14/2009.

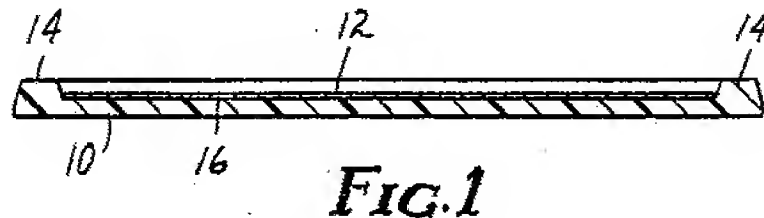
The amendment to the claims has overcome the rejection of claims 1-3 and 7-9 under 35 U.S.C. 112, first paragraph and the rejection of claims 1-3 and 7-9 under 35 U.S.C. 112, second paragraph.

The claims remain rejected for reasons of record and for the reasons set forth below.

Applicants argue that the Examiner has not taught an auxiliary substrate.

The Examiner respectfully disagrees and first notes that the present claims are drawn to a "display device." A display device as claimed does not require either of an auxiliary substrate or an installation substrate; however, in the interest of complete and compact prosecution the Examiner has rejected claim 1 as being obvious over Gehrmann et al. in view of Yamamoto et al. and Chirhart et al.

Chirhart et al. disclose an information plate having retroreflective sheeting of their Figure 1.



The article is comprised of a retroreflective sheeting **12**, which reads on applicants' display device, and plate blank **10**, which read on applicants' auxiliary substrate (col. 3, line 65 to col. 4, line 2). It is clear from the Figure that the auxiliary substrate is a size larger than said display device and the auxiliary substrate is capable of wrapping around or wrapping-up said display device. This retroreflective sheeting **12** is for a license plate, which reads on applicants' requirement that the display device is "being a number plate" (col. 1, lines 15-17). The license plate will be installed somewhere on a car, typically a bumper. The fact that a license plate is installed, i.e. mechanically fixed, on a car or a car bumper is intrinsic in the reference and would be known to those of ordinary skill in the art. The car or its bumper would read on applicants' installation substrate.

The Examiner has clearly shown that Chirhart et al. disclose an auxiliary substrate and an installation substrate. Applicants have not addressed how the plate blank **10** does not read on an auxiliary substrate.

Applicants argue with regard to the obviousness type double patenting rejection that "the present application is the earlier-filed application."

The Examiner disagrees and notes section 12 of the Office action mailed 10/14/2009 wherein the Examiner rejects the present claims over copending application 10/569,869 under 35 USC 103(a). The copending application was clearly filed earlier. Additionally, the obviousness type double patenting rejection is not the only rejection remaining in the case (see sections 8, 9, and 12 of Office action mailed 10/14/2009); furthermore, even if the obviousness type double patenting rejection was the only rejection remaining in the case, a terminal disclaimer would be required before the rejection is withdrawn because this application is the later filed application. See MPEP 804(I)(B)(1).

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to GERARD T. HIGGINS whose telephone number is (571)270-3467. The examiner can normally be reached on M-Th 10am-8pm est. (Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Ruthkosky can be reached on 571-272-1291. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1794

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Ruthkosky/  
Supervisory Patent Examiner, Art Unit 1794

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/G. T. H./  
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